

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

98TH LEGISLATIVE DAY

WEDNESDAY, MAY 15, 2002

12:00 O'CLOCK NOON

No. 98  
[May 15, 2002]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Pastor Donald Pritchard, Zion Lutheran Church, Pleasant Plains, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 13, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, May 14, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Clayborne was excused from attendance due to illness.

On motion of Senator Burzynski, Senator Klemm was excused from attendance due to illness.

#### REPORTS FROM STANDING COMMITTEES

Senator Mahar, Chairperson of the Committee on Environment and Energy, to which was referred the Motion to concur with House to the following Senate Bill, reported that the Committee recommends that it be adopted:

##### Motion to concur House Amendment 1 to Senate Bill 1803

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Petka, Vice-Chairperson of the Committee on Executive, to which was referred Senate Resolutions numbered 270, 409, 410 and 426 reported the same back with the recommendation that the resolutions be adopted.

Under the rules, Senate Resolutions numbered 270, 409, 410 and 426 were placed on the Secretary's Desk.

Senator Petka, Vice-Chairperson of the Committee on Executive, to which was referred Senate Resolution No. 408 reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, Senate Resolution 408 was placed on the Secretary's Desk.

Senator Petka, Vice-Chairperson of the Committee on Executive, to which was referred Senate Joint Resolutions numbered 65, 73 and 74 reported the same back with the recommendation that the resolutions be adopted.

Under the rules, Senate Joint Resolutions numbered 65, 73 and 74 were placed on the Secretary's Desk.

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Senator Petka, Vice-Chairperson of the Committee on Executive, to which was referred Senate Joint Resolution No. 72 reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, Senate Joint Resolution 72 was placed on the Secretary's Desk.

Senator Petka, Vice-Chairperson of the Committee on Executive to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

**Amendment No. 2 to House Bill 5647**

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government, to which was referred the Motion to concur with House to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

**Motion to concur House Amendment 1 to Senate Bill 1571**

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Parker, Chairperson of the Committee on Transportation, to which was referred the Motion to concur with House amendment to the following Senate Bill, reported that the Committee recommends that it be adopted:

**Motion to concur House Amendment 1 to Senate Bill 1795**

Under the rules, the foregoing motion is eligible for consideration by the Senate.

At the hour of 12:25 o'clock p.m., Senator Karpiel presiding.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

**SENATE BILL NO. 1545**

A bill for AN ACT concerning schools.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1545

Passed the House, as amended, May 14, 2002.

ANTHONY D. ROSSI, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1545**

AMENDMENT NO. 1. Amend Senate Bill 1545 as follows:

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on page 2, line 32, by replacing "superintendent" with "principal"; and  
 on page 2, line 33, by deleting "district"; and  
 on page 2, line 33, by replacing "date" with "mutually agreed upon time"; and  
 on page 2, line 33, after the period, by inserting "However, no more than 2 routine inspections may be made in a calendar year."; and  
 on page 5, line 22, after the period, by inserting "Upon being notified by a fire official that corrective action must be taken to resolve a violation, the school board shall take corrective action within one year. However, violations that present imminent danger must be addressed immediately."; and  
 on page 6, line 10, by replacing "If" with the following:  
"The local fire department or fire protection district where the school is being constructed or altered may request a review of the plans and specifications. The regional superintendent of schools shall submit a copy of the plans and specifications within 10 business days after the request. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district.  
 If"; and  
 on page 6, by deleting lines 16 through 33; and  
 on page 7, by deleting lines 1 and 2.

Under the rules, the foregoing Senate Bill No. 1545, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1622

A bill for AN ACT creating the Fire Sprinkler Contractor Licensing Act.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1622

Passed the House, as amended, May 14, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1622

AMENDMENT NO.2. Amend Senate Bill 1622 on page 6, line 28, after "device" by inserting "or detection system"; and  
 on page 6, line 30, after "device" by inserting "or detection system".

Under the rules, the foregoing Senate Bill No. 1622, with House Amendment No. 2, was referred to the Secretary's Desk.

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A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1637

A bill for AN ACT concerning telephone solicitations.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1637

House Amendment No. 2 to SENATE BILL NO. 1637

Passed the House, as amended, May 14, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1637

AMENDMENT NO. 1. Amend Senate Bill 1637 as follows:

on page 1, by replacing line 13 with the following:

"this Act to knowingly make or knowingly cause to be made a telephone solicitation".

AMENDMENT NO. 2 TO SENATE BILL 1637

AMENDMENT NO. 2. Amend Senate Bill 1637 by replacing the title with the following:

"AN ACT in relation to telephones."; and

by inserting immediately below the enacting clause the following:

"Section 2. The Public Utilities Act is amended by changing Section 5-109 as follows:

(220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

Sec. 5-109. Each public utility in the State, other than a commercial mobile radio service provider, shall each year furnish to the Commission, in such form as the Commission shall require, annual reports as to all the items mentioned in the preceding Sections of this Article, and in addition such other items, whether of a nature similar to those therein enumerated or otherwise, as the Commission may prescribe. Such annual reports shall contain all the required information for the period of 12 ~~to-twelve~~ months ending on the thirtieth day of June in each year, or ending on the thirty-first day of December in each year, as the Commission may by order prescribe for each class of public utilities, except commercial mobile radio service providers, and shall be filed with the Commission at its office in Springfield within 3 ~~three~~ months after the close of the year for which the report is made. The Commission shall have authority to require any public utility, other than a commercial mobile radio service provider, to file monthly reports of earnings and expenses of such utility, and to file other periodical or special, or both periodical and special reports concerning any matter about which the Commission is authorized by law to keep itself informed. All reports shall be under oath.

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the public utility to amend such report within 30 ~~thirty~~ days, and before or after the termination of such period the Commission may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property of such public utility, and correct such items in the report as upon such examination the Commission may find defective or erroneous.

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All reports made to the Commission by any public utility, other than a commercial mobile radio service provider, and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

Any public utility which fails to make and file any report called for by the Commission within the time specified; or to make specific answer to any question propounded by the Commission within 30 thirty days from the time it is lawfully required to do so, or within such further time, not to exceed 90 ninety days, as may in its discretion be allowed by the Commission, shall forfeit up to \$100 for each and every day it may so be in default if the utility collects less than \$100,000 annually in gross revenue; and if the utility collects \$100,000 or more annually in gross revenue, it shall forfeit \$100 per day for each and every day it is in default.

Any person who wilfully makes any false return or report to the Commission, or to any member, officer or employee thereof, and any person who aids or abets such person shall be guilty of a Class A misdemeanor.

(Source: P.A. 84-617.)".

Under the rules, the foregoing Senate Bill No. 1637, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1690

A bill for AN ACT in relation to professional regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1690

Passed the House, as amended, May 14, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1690

AMENDMENT NO. 1. Amend Senate Bill 1690 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by adding Section 4.23 as follows:

(5 ILCS 80/4.23 new)

Sec. 4.23. Section repealed on January 1, 2013. The following Section is repealed on January 1, 2013:

Section 2.5 of the Illinois Plumbing License Law.

Section 10. The Illinois Plumbing License Law is amended by changing Section 2.5 as follows:

(225 ILCS 320/2.5)

(Section scheduled to be repealed on January 1, 2003)

Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

(a) Every irrigation contractor doing business in this State shall annually register with the Department. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, and FEIN number. Every irrigation contractor doing business in this State shall also

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register with the Department each and every employee who installs or supervises the installation of lawn sprinkler systems. The registration shall include the employee's name, home address, and telephone number. The Department may provide by rule for the administration of registrations under this subsection. The annual registration fee shall be set by the Department pursuant to Section 30 of this Act.

(b) A licensed plumber or licensed apprentice plumber may install a lawn sprinkler system connected to any water source without registration under this Section.

(c) A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically. A licensed plumber shall make the physical connection between a lawn sprinkler system and the backflow prevention device.

Upon the installation of every lawn sprinkler system in this State from the effective date of this amendatory Act of the 91st General Assembly forward, a licensed plumber shall affix to the backflow prevention device a tag certifying that the installation of that system has been completed in compliance with the minimum code of plumbing standards promulgated under this Act. The Department shall provide by rule for the registration of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly, including the means by which the Department shall be able to identify by registration number the identity of the responsible irrigation contractor and by license number the identity of the responsible licensed plumber. No lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly may be operated without the certification tag required under this Section.

The registered irrigation contractor and the licensed plumber whose identifying information is contained on the certification tag shall both be subject to the penalty provisions of this Act for violations for improper installation of a lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly.

(d) An irrigation contractor that has registered with the Department 7 or fewer persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least one licensed plumber who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. The licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 8 to 12 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 2 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 13 to 20 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 3 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

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An irrigation contractor that has registered with the Department 21 to 28 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 4 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 29 to 35 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 5 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 36 or more persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 6 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

The Department may provide by rule for the temporary waiver process for registered irrigation contractors who are unable to comply with the requirements of this subsection. When a temporary waiver is granted, it shall not be for a duration of more than 3 consecutive months. Upon the expiration of a temporary waiver issued by the Department, the registered irrigation contractor shall demonstrate that justifiable reasons exist why he or she is still unable to comply with the requirements of this subsection, despite good faith efforts to comply with the requirements. In no case shall a temporary waiver be granted for an irrigation contractor for more than a total of 6 months in a two-year period. In no case shall an irrigation contractor be relieved of the requirement that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically and make the physical connection between a sprinkler system and the backflow prevention device.

(e) No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption.

No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable uses only.

~~(f) This Section is repealed January 1, 2003, and all registrations under this Section terminate on that date.~~  
(Source: P.A. 91-678, eff. 1-26-00.)

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 1690, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

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of bills of the following titles, to-wit:

SENATE BILL NO 1565  
 A bill for AN ACT concerning energy efficiency.  
 SENATE BILL NO 1583  
 A bill for AN ACT in relation to persons in military service.  
 SENATE BILL NO 1820  
 A bill for AN ACT concerning hospitals.

Passed the House, May 14, 2002.

ANTHONY D. ROSSI, Clerk of the House

#### INTRODUCTION OF BILLS

SENATE BILL NO. 2418. Introduced by Senators Sieben - Woolard, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2419. Introduced by Senator Myers, a bill for AN ACT concerning sports facilities.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 434

Offered by Senator Burzynski and all Senators:  
 Mourns the death of James W. Guilinger of Roseville.

##### SENATE RESOLUTION NO. 435

Offered by Senator Dillard and all Senators:  
 Mourns the death of Joe Jemsek of West Chicago.

##### SENATE RESOLUTION NO. 436

Offered by Senator O'Malley and all Senators:  
 Mourns the death of Michael Hryn of Palos Heights.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES

##### A FIRST TIME

House Bill No. 6056, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6060, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6061, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6065, sponsored by Senators Philip -

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Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6066, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6067, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6068, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6071, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6075, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6083, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6084, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6089, sponsored by Senators Philip - Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 15, 2002 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: Senate Resolution No. 429.  
Executive: Senate Resolution No. 431.

Senator Weaver, Chairperson of the Committee on Rules, during its May 15, 2002 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Transportation: Motion to Concur with House Amendment 1 to Senate Bill 1808.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Amendment No. 3 to House Bill 5375

The foregoing floor amendment was placed on the Secretary's Desk.

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## HOUSE BILLS RECALLED

On motion of Senator Radogno, House Bill No. 5140 was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

## AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 5140, AS AMENDED, in Section 10, subsection (a), after the last sentence of that subsection, by inserting the following:

"The Plan must be approved by the appropriate county board before submission to the Department."; and  
in Section 10, subsection (b), in the sentence beginning "If the Plan is approved," by deleting "and the appropriate county board"; and  
in Section 15, subsection (b), paragraph (13), by replacing "an impartial and independent administrative process" with "a separate, impartial, and independent administrative process".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 5140, as amended, was returned to the order of third reading.

On motion of Senator Dillard, House Bill No. 5647 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

## AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5647 on page 1, by replacing line 7 with the following:

"6-50.2, 6-50.3, 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55, 7-66, 15-6, 16-11, 17-9, 17-43, 18-5, 18-40, 19-2.1, 19-7, 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2, 20-7, 20-8, 20-9, and 20-15 and by adding Article 24C as follows:"; and  
on page 59, by inserting after line 18 the following:

"(10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

Sec. 7-19. Arrangement and printing of primary ballot. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. Designating words. At the top of the ballot shall be printed in large capital letters, words designating the ballot, if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and in like manner for each political party.

2. Order of Names, Directions to Voters, etc. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters. Such names may be printed on the ballot either in a single column or in 2 or more columns and in the following order, to-wit:

President of the United States, State offices, congressional offices, delegates and alternate delegates to be elected from the State at large to National nominating conventions, delegates and alternate delegates to be elected from congressional districts to National nominating conventions, member or members of the State central committee, trustees of sanitary districts, county offices, judicial officers, city, village and incorporated town offices, town offices, or of such of the said offices as candidates are to be

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nominated for at such primary, and precinct, township or ward committeemen. If two or more columns are used, the foregoing offices to and including member of the State central committee shall be listed in the left-hand column and Senatorial offices, as defined in Section 8-3, shall be the first offices listed in the second column.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for three"; or a spelled number designating how many persons under that head are to be voted for.

Next to the name of each candidate for delegate or alternate delegate to a national nominating convention shall appear either (a) the name of the candidate's preference for President of the United States or the word "uncommitted" or (b) no official designation, depending upon the action taken by the State central committee pursuant to Section 7-10.3 of this Act.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nominations were filed, except as otherwise provided in Sections 7-14 and 7-17 of this Article. Opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion and to permit the writing in of the names of other candidates.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this ~~Article~~ Section may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable. (Source: P.A. 83-33.)

(10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

Sec. 7-46. Voting of ballot; writing in names. On receiving from the primary judges a primary ballot of his party, the primary elector shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled, and for delegates and alternate delegates to national nominating conventions, and for committeemen, if committeemen are being elected at such primary.

Any primary elector may, instead of voting for any candidate for nomination or for committeeman or for delegate or alternate delegate to national nominating conventions, whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, or for delegates or alternate delegates to national nominating conventions, and indicate his choice of such candidate or committeeman or delegate or alternate delegate, by placing to the left of and opposite the name thus written a square and placing in the square a cross (X).

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this ~~Article~~ Section may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable. (Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

Sec. 7-47. Folding and delivery of ballot; entry in poll book. Before leaving the booth, the primary elector shall fold his primary ballot in such manner as to conceal the marks thereon. Such voter shall then vote forthwith by handing the primary judge the primary

ballot received by such voter. Thereupon the primary judge shall deposit such primary ballot in the ballot box. One of the judges shall thereupon enter in the primary poll book the name of the primary elector, his residence and his party affiliation or shall make the entries on the official poll record as required by articles 4, 5 and 6, if any one of them is applicable.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable.

(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

Sec. 7-49. No adjournment or recess after opening of polls. After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable.

(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

Sec. 7-52. Precinct canvass of votes. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes in the manner following:

(1) They shall separate and count the ballots of each political party.

(2) They shall then proceed to ascertain the number of names entered on the applications for ballot under each party affiliation.

(3) If the primary ballots of any political party exceed the number of applications for ballot by voters of such political party, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again opened and one of the primary judges, who shall be blindfolded, shall draw out so many of the primary ballots of such political party as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots;

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, 3 of the judges shall carefully and correctly mark upon separate tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination at the head of such column.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable.

(Source: P.A. 80-484.)

(10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

Sec. 7-53. Tally sheets; certificate of results. As soon as the ballots of a political party shall have been read and the votes of the political party counted, as provided in the last above Section, the 3 judges in charge of the tally sheets shall foot up the tally

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sheets so as to show the total number of votes cast for each candidate of the political party and for each candidate for State Central committeeman and precinct committeeman, township committeeman or ward committeeman, and delegate and alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judges shall set down in a certificate of results on the tally sheet, under the name of the political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which the candidate received, and they shall also set down the total number of ballots voted by the primary electors of the political party in the precinct. The certificate of results shall be made substantially in the following form:

..... Party  
At the primary election held in the .... precinct of the (1) \*township of ...., or (2) \*City of ...., or (3) \*.... ward in the city of .... on (insert date), the primary electors of the .... party voted .... ballots, and the respective candidates whose names were written or printed on the primary ballot of the .... party, received respectively the following votes:

Name of Candidate,	Title of Office,	No. of Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

\*Fill in either (1), (2) or (3).

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated (insert date).

.....	Name	Address
.....	Name	Address
.....	Name	Address
.....	Name	Address
.....	Name	Address

Judges of Primary

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article Section may be modified as required or authorized by Article 24, and Article 24A, or Article 24C, whichever is applicable.  
(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

Sec. 7-54. Binding and sealing ballots; report of results.

After the votes of a political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books or return, as above provided, all the primary ballots of said political party, except those marked "defective" or "objected to" shall be securely bound, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

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"Primary ballots of the.... party of the.... precinct of the county of.... and State of Illinois."

Below each endorsement, each primary judge shall write his name.

Immediately thereafter the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk or board of election commissioners (as the case may be) the results of such primary. Such clerk or board shall keep his or its office open after the close of the polls until he or it has received from each precinct under his or its jurisdiction the report above provided for. Immediately upon receiving such report such clerk or board shall cause the same to be posted in a public place in his or its office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable.  
(Source: P.A. 81-1433.)

(10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

Sec. 7-55. Delivery and acceptance of election materials. The primary poll books or the official poll record, and the tally sheets with the certificates of the primary judges written thereon, together with the envelopes containing the ballots, including the envelope containing the ballots marked "defective" or "objected to", shall be carefully enveloped and sealed up together, properly endorsed, and the primary judges shall elect 2 judges (one from each of the major political parties), who shall immediately deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for 2 months, and thereafter shall safely keep the poll books until the next primary. Each election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close, or until the judges of each precinct under the jurisdiction of the election authority have delivered to the election authority all the above materials sealed up together and properly endorsed as provided herein. Materials delivered to the election authority which are not in the condition required by this Section shall not be accepted by the election authority until the judges delivering the same make and sign the necessary corrections. Upon acceptance of the materials by the election authority, the judges delivering the same shall take a receipt signed by the election authority and stamped with the time and date of such delivery. The election judges whose duty it is to deliver any materials as above provided shall, in the event such materials cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

The county clerk or board of election commissioners shall deliver a copy of each tally sheet to the county chairmen of the two largest political parties.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, and Article 24A, or Article 24C, whichever is applicable.  
(Source: P.A. 83-764.)

(10 ILCS 5/7-66)

Sec. 7-66. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment. If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment

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under Article 24C of this Code, and the provisions of those Articles  
~~the--Article~~ are in conflict with the provisions of this Article 7,  
 the provisions of Article 24B or Article 24C, as the case may be,  
 shall govern the procedures followed by the election authority, its  
 judges of elections, and all employees and agents. In following the  
 provisions of Article 24B or Article 24C, the election authority is  
 authorized to develop and implement procedures to fully utilize  
Precinct Tabulation Optical Scan Technology voting equipment or  
Direct Recording Electronic Voting Systems equipment authorized by  
 the State Board of Elections as long as the procedure is not in  
 conflict with either Article 24B, Article 24C, or the administrative  
 rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/15-6)

Sec. 15-6. Precinct tabulation optical scan technology voting  
 equipment and direct recording electronic voting systems equipment.  
 If the election authority has adopted the use of Precinct Tabulation  
 Optical Scan Technology voting equipment pursuant to Article 24B of  
 this Code or Direct Recording Electronic Voting Systems equipment  
under Article 24C of this Code, and the provisions of ~~those Articles~~  
~~the--Article~~ are in conflict with the provisions of this Article 15,  
 the provisions of Article 24B or Article 24C, as the case may be,  
 shall govern the procedures followed by the election authority, its  
 judges of elections, and all employees and agents. In following the  
 provisions of Article 24B or Article 24C, the election authority is  
 authorized to develop and implement procedures to fully utilize  
Precinct Tabulation Optical Scan Technology voting equipment or  
Direct Recording Electronic Voting Systems equipment authorized by  
 the State Board of Elections as long as the procedure is not in  
 conflict with either Article 24B, Article 24C, or the administrative  
 rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/16-11)

Sec. 16-11. Precinct tabulation optical scan technology voting  
 equipment and direct recording electronic voting systems equipment.  
 If the election authority has adopted the use of Precinct Tabulation  
 Optical Scan Technology voting equipment pursuant to Article 24B of  
 this Code or Direct Recording Electronic Voting Systems equipment  
under Article 24C of this Code, and the provisions of ~~those Articles~~  
~~the--Article~~ are in conflict with the provisions of this Article 16,  
 the provisions of Article 24B or Article 24C, as the case may be,  
 shall govern the procedures followed by the election authority, its  
 judges of elections, and all employees and agents. In following the  
 provisions of Article 24B or Article 24C, the election authority is  
 authorized to develop and implement procedures to fully utilize  
Precinct Tabulation Optical Scan Technology voting equipment or  
Direct Recording Electronic Voting Systems equipment authorized by  
 the State Board of Elections as long as the procedure is not in  
 conflict with either Article 24B, Article 24C, or the administrative  
 rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

Sec. 17-9. Any person desiring to vote shall give his name and,  
 if required to do so, his residence to the judges of election, one of  
 whom shall thereupon announce the same in a loud and distinct tone of  
 voice, clear, and audible; the judges of elections shall check each  
 application for ballot against the list of voters registered in that  
 precinct to whom absentee ballots have been issued for that election,  
 which shall be provided by the election authority and which list  
 shall be available for inspection by pollwatchers. A voter applying

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to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, ~~for cancellation or revocation,~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, ~~or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name.~~ All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois, )  
 ) ss.  
County of ..... )

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..... Precinct ..... Ward

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the .... (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at .... (insert street and number, if any) in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....  
Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:  
State of Illinois,)

) ss.

County of .....)

..... Precinct ..... Ward

I, ....., do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with .... (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....  
Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/17-43)

Sec. 17-43. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment. If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the-Artiele~~ are in conflict with the provisions of this Article 17, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative

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rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Questioning of person desiring to vote; receipt of ballots.

Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election ~~for cancellation or revocation~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, ~~or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name.~~ If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I

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verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or ballots received from the voter into the ballot box in the presence of the voter and the judges of election, and in plain view of the public. The judges having

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charge of such registers shall then, in a column prepared thereon, in the same line of, the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-40)

Sec. 18-40. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment. If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 18, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year

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stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges on election day, the sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

In election jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority on election day, the sealed absentee ballots in their carrier envelope shall be delivered to the office of the election authority by the respective clerks before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the ~~nonpartisan~~, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of

applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited.

(Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article the next section.

Except as provided in Article 24C, the election authority may choose (i) to have the absentee ballots delivered before the closing of the polls to their proper polling places for counting by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges, the provisions of this Section shall apply.

In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are

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closed," mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by ~~without--regard--to~~ precinct designation, ~~except for precinct offices.~~

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope and the signature of the voter on the permanent voter registration record card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed

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the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-12.1, the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1. (Source: P.A. 87-1052.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted on the day of the election in the office of the election authority as provided in ~~this Article Section 19-8 of this Act~~, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the absentee ballot application and that which is on the ballot envelope and that which is on the permanent voter registration record card taken from

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the master file.

(Source: P.A. 86-875.)

(10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code, except that ballots shall be treated as absentee ballots and shall not be counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall preserve the ballots in the office of the election authority in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority or shall deliver the such ballots to the proper precinct polling places prior to the closing of the polls on the day of election in election jurisdictions that count absentee ballots in the polling place. Provided, that in election jurisdictions that count absentee ballots in the polling place the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious

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holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absentee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than \$25.00 for conducting absentee voting in such facilities.

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act, and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter. (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

(10 ILCS 5/19-15)

Sec. 19-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment. If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 19, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article

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and not otherwise. Ballots voted under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise.

Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter

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for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

Sec. 20-7. Upon receipt of such absent voter's ballot, the officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article the next section.

Except as provided in Article 24C, the election authority may choose (i) to deliver the absentee ballots to the proper precinct polling place before the close of the polls on the election day to be counted by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. (a) In election jurisdictions that count absentee ballots in the polling place, this subsection shall apply.

In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery

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of such ballot or ballots. Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

(b) All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded by ~~without-regard-to~~ precinct designation.

Where ~~certain~~ absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 84-861.)

(10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall

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be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

(Source: P.A. 87-1052.)

(10 ILCS 5/20-15)

Sec. 20-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment. If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 20, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/Art. 24C heading new)

#### ARTICLE 24C. DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. The voting devices shall be capable of instantaneously recording the votes, storing the votes, and tabulating the votes at the precinct. This Article authorizes the use of Direct Recording Electronic Voting Systems for in-precinct counting applications, except that absentee ballots must be counted at the office of the election authority.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" means a continuous trail of evidence linking individual transactions related to the vote count with the summary record of vote totals, but that shall not allow for the

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identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an election audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment.

"Ballot" means an electronic audio or video display or any other medium used to record a voter's choices for the candidates of his or her preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names, and public questions as they appear for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Computer", "automatic and electronic tabulating equipment", or "equipment" includes (i) apparatus necessary to automatically or electronically examine and count votes as designated on ballots and (ii) data processing machines that can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic or electronic tabulating equipment that examines, records, counts, tabulates, canvasses, and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system", or "system" means the combination of equipment and programs that records votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voter, that processes the data by means of a computer program, that records voting data and ballot images in internal memory devices, and that produces a tabulation of the voting data as hard copy or stored in a removable memory device.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic or electronic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means a Direct Recording Voting System apparatus.

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(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation, or abandonment of Direct Recording Electronic Voting System; boundaries of precincts; notice. Any county board or board of county commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use the system in all or some of the precincts within its jurisdiction, or in combination with punch cards, paper ballots, or ballot sheets. In no case may a county board, board of county commissioners, or board of election commissioners contract or arrange for the purchase, lease, or loan of a Direct Recording Electronic Voting System or system component without the approval of the State Board of Elections as provided by Section 24C-16. The county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which an election authority is charged with the duty of providing materials and supplies, must provide either a Direct Recording Electronic Voting System approved for use by the State Board of Elections under this Article or voting systems under Article 24, Article 24A, or Article 24B for each precinct for all elections, except as provided in Section 24-1.2. For purposes of this Section "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any Direct Recording Electronic Voting System is introduced, adopted, or used in any precinct or territory, at least 2 months public notice must be given before the date of the first election when the system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within the jurisdiction. The notice shall be substantially as follows:

"Notice is hereby given that on (give date), at (insert place where election is held) in the county of (insert county) an election will be held for (insert name of offices to be filled) at which a Direct Recording Electronic Voting System will be used."

Dated at ... (insert date)"

This notice referred to shall be given only at the first election at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention, consolidation, or alteration of existing precincts; change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease, or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood, or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered

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voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; requisites; applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that the systems enable the voter to cast a vote for all offices and on all public questions for which he or she is entitled to vote, and that the systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. The provisions of this Article 24C will govern when there are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting booths. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting booths shall be provided for the use of the system according to the requirements determined by the State Board of Elections. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of voters. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no election judge may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at those duties. No instructions may be given after the voter has entered the voting booth.

No election judge or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question, or proposition. All instructions shall be given by election judges in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; placement in public library. When a Direct Recording Electronic Voting System is to be used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot information; arrangement; absentee ballots; spoiled ballots. The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows or on a number of separate pages or display screens.

All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated pursuant to administrative rule of the State Board of Elections. More than one amendment to the constitution may be placed on the same portion of the ballot screen.

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Constitutional convention or constitutional amendment propositions shall precede all candidates and other propositions and shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. Judicial retention propositions shall be placed on a separate portion of the ballot designated pursuant to administrative rule of the State Board of Elections. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Illinois Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot, shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public questions and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any voter who spoils his or her ballot or makes an error shall be provided a means of correcting the ballot or obtaining a new ballot prior to casting his or her ballot.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security designation. In all elections conducted under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory device.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-in ballots. Pursuant to administrative rule of the State Board of Elections, a Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same Direct Recording Electronic Voting System used to record votes for candidates whose name do appear on the ballot.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for use; comparison of ballots; operational checks of Direct Recording Electronic Voting Systems equipment; pollwatchers. The election authority shall cause the

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approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Electronic Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

The Direct Recording Electronic Voting System shall provide a means for the election judges to open the polling place and ready the equipment for the casting of ballots. Those means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers, as provided by law, shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System equipment and programs; custody of programs, test materials, and ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly count the votes cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the electronic tabulating equipment to reject the votes. The test shall also include producing an edit listing.

The State Board of Elections may select as many election jurisdictions that the Board deems advisable in the interests of the election process of this State to order a special test of the electronic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of the system resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice

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to those selected jurisdictions of its intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test using testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts, provided, that if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the ballots shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems. Whenever a Direct Recording Electronic Voting System is used to electronically record and count the votes of ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot pursuant to the instructions provided on the screen or labels.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements. The functional requirements of a Direct Recording Electronic Voting System shall be specified by the administrative rules of the State Board of Elections.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for counting and tallying of ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the procedures in this Section for counting and tallying the ballots shall apply.

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to actuate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate electronic media containing passwords and data codes that will select the proper ballot formats for that polling place and that will prevent inadvertent or unauthorized actuation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of

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election shall cause to be printed a record of the following: (i) the election's identification data, (ii) the device's unit identification, (iii) the ballot's format identification, (iv) the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, (v) all ballot fields that can be used to invoke special voting options, and (vi) other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, the judges shall enable a voting device to be used by the voter and the proper ballot to which the voter is entitled shall be selected. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete or change his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by following the instructions provided on the screen or labels as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch, or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, shall increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been re-activated by the judges of election. If the voter fails to cast his or her ballot and leaves the polling place, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated and 4 copies of a "Certificate of Results" shall be printed by the electronic tabulating equipment. In addition, one copy shall be posted in a conspicuous place inside the polling place and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. Additional copies shall be made available to pollwatchers, but in no case shall there be fewer than 4 chosen by lot by the judges of election. In addition, sufficient time shall be provided by the

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judges of election to the pollwatchers to allow them to copy information from the copy that has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that the container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment, as instructed by the election authority, from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority that are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials, or equipment cannot be found when needed, on proper request, produce the receipt that they are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Counting of absentee ballots. All jurisdictions using Direct Recording Electronic Voting Systems shall count absentee ballots at the office of the election authority. The provisions of Sections 24A-9 and 24B-9 shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by precinct.

Any election authority using a direct recording electronic voting system shall use voting systems approved for use under Articles 16, 24A, or 24B when conducting absentee voting. The absentee ballots shall be examined and processed pursuant to Sections 19-9 and 20-9. The results shall be recorded by precinct and shall become part of the certificate of results.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating votes; direction; presence of public; computer operator's log and canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the Direct Recording Electronic Voting System equipment, the election authority shall dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the

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discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(1) alterations made to programs associated with the vote counting process;

(2) if applicable, console messages relating to the program and the respective responses made by the operator;

(3) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(4) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official return of precinct; check of totals; audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast, ballots cast by each political party for a primary election, and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots counted in each precinct for each political subdivision and district, and the number of registered voters in each precinct. The election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. The certificate of results, that has been prepared and signed by the judges of election in the polling place and at the election authority's office after the ballots have been tabulated, shall be the document used for the canvass of votes for the precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected.

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The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots that have votes in excess of the number allowed by law to test the ability of the equipment to reject those votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this re-tabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the test, the election authority shall print a report showing the results of the test and any errors encountered and the report shall be made available for public inspection.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting ballots to central counting station; container. Upon completion of the tabulation, audit, or test of voting equipment, if the election authority so instructs, pursuant to Sections 24C-11 through 24C-15, the voting equipment and ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type that may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the equipment and ballots cannot be removed from the container without breaking the tape.

(10 ILCS 5/24C-15.1 new)

Sec. 24B-15.1. Discovery recounts and election contests. Discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9 and then the official ballots shall be audited.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems provided by this Article.

No Direct Recording Electronic Voting System shall be approved unless it fulfills the following requirements:

(1) It enables a voter to vote in absolute secrecy, except in the case of voters who receive assistance as provided in this Code.

(2) It enables each voter to vote at an election for all persons and offices for whom and for which the voter is lawfully entitled to vote, to vote for as many persons for an office as the voter is entitled to vote for, and to vote for or against any public question upon which the voter is entitled to vote, but no other.

(3) It will detect and reject all votes for an office or upon a public question when the voter has cast more votes for the

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office or upon the public question than he or she is entitled to cast; provided, however, that it will inform a voter that the voter's choices as recorded on the ballot for an office or public question exceeds the number that the voter is entitled to vote for on that office or public question and will offer the voter an opportunity to correct the error before rejecting the choices recorded on the voter's ballot.

(4) It will enable each voter in primary elections to vote only for the candidates of the political party with which he or she had declared affiliation and preclude the voter from voting for any candidate of any other political party.

(5) It enables a voter to vote a split ticket selected in part from the nominees of one party, in part from the nominees of any or all parties, in part from independent candidates, and in part of candidates whose names are written in by the voter.

(6) It enables a voter, at a Presidential election, by a single selection to vote for the candidates of a political party for Presidential electors.

(7) It will prevent anyone voting for the same person more than once for the same office.

(8) It will record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(9) It will be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(10) It will provide a means for sealing and resealing the vote recording devices to prevent their unauthorized use and to prevent tampering with ballot labels.

(11) It will be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy, and efficiency.

(12) It will be designed to accommodate the needs of elderly, handicapped, and disabled voters.

(13) It will enable a voter to vote for a person whose name does not appear on the ballot.

(14) It will be designed to ensure that vote recording devices or electronic tabulating equipment that count votes at the precinct will not be capable of reporting vote totals before the close of the polls.

(15) It will provide a paper audit trail.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the system fails to fulfill the above requirements.

No vendor, person, or other entity may sell, lease, or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section. The State Board of Elections shall not accept for testing or approval of any system or system component that has not first been evaluated by an independent testing laboratory or laboratories for performance and reliability using the standards that may from time to time be promulgated by the United States Federal Election Commission. When the functional requirements of this Section are in conflict with the standards promulgated by the Federal Election Commission, the standards of the Federal Election Commission shall govern.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; number of voting booths. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for

the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen ballots; publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices, candidates, and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated primary and consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional method of voting. This Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code.

(10 ILCS 5/24A-20 rep.)

Section 10. The Election Code is amended by repealing Section 24A-20."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 5647, as amended, was returned to the order of third reading.

#### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator T. Walsh, Senate Bill No. 1104, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator T. Walsh moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1104.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, Senate Bill No. 1666, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None; Present 2.

The following voted in the affirmative:

Bomke  
Bowles

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Brady  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Shadid  
 Sieben  
 Silverstein  
 Smith  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted present:

Ronen  
 Shaw

The motion prevailed.

And the Senate concurred with the House in the adoption of their  
 Amendment No. 1 to Senate Bill No. 1666.

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Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, Senate Bill No. 1686, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan

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Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1686.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peterson, Senate Bill No. 1932, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Peterson moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley

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Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1932.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Donahue announced that there will be a Republican caucus immediately upon adjournment.

On motion of Senator Dudycz, Senate Bill No. 1571, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dudycz moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays 2; Present 1.

The following voted in the affirmative:

Bomke  
 Bowles  
 Brady  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs

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Jones, E.  
 Jones, W.  
 Karpiel  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted in the negative:

Burzynski  
 Donahue

The following voted present:

Lauzen

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1571.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Smith, Senate Bill No. 1795, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Smith moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

[May 15, 2002]



Yeas 56; Nays 1.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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The following voted in the negative:

Cronin

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1795.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Watson, Senate Bill No. 1803, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Watson moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam

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Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1803.

Ordered that the Secretary inform the House of Representatives thereof.

#### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Noland moved that House Joint Resolution No. 63, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Noland moved that House Joint Resolution No. 63 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Parker moved that House Joint Resolution No. 71, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Parker moved that House Joint Resolution No. 71 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator T. Walsh moved that Senate Joint Resolution No. 76, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator T. Walsh moved that Senate Joint Resolution No. 76, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles

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Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the resolution was adopted, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

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Senator Watson moved that Senate Resolution No. 373, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Watson moved that Senate Resolution No. 373, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito

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Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.  
And the resolution was adopted.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 437

Offered by Senators Demuzio - E. Jones and all Senators:  
Mourns the death of Joseph P. Griffin of Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 430

Offered by Senator Demuzio, E. Jones and all Senators:  
Mourns the death of Dean W. Lee of Brighton.

SENATE RESOLUTION NO. 432

Offered by Senator Shadid and all Senators:  
Mourns the death of Robert Thiemann of Peoria.

SENATE RESOLUTION NO. 433

Offered by Senator Link and all Senators:  
Mourns the death of Pastor H. Judea Cook I of Waukegan.

SENATE RESOLUTION NO. 434

Offered by Senator Burzynski and all Senators:  
Mourns the death of James W. Guilinger of Roseville.

SENATE RESOLUTION NO. 435

Offered by Senator Dillard and all Senators:  
Mourns the death of Joe Jemsek of West Chicago.

SENATE RESOLUTION NO. 436

Offered by Senator O'Malley and all Senators:  
Mourns the death of Michael Hryn of Palos Heights.

SENATE RESOLUTION NO. 437

Offered by Senator Demuzio - E. Jones and all Senators:  
Mourns the death of Joseph P. Griffin of Chicago.

Senator Karpiel moved the adoption of the foregoing resolutions.  
The motion prevailed.  
And the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT

[May 15, 2002]

JAMES "PATE" PHILIP  
SENATE PRESIDENT

May 14, 2002

Mr. Jim Harry  
Secretary of the Senate  
401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, please be advised that the Senate will be in perfunctory session on Thursday, May 16, and will not be in Session on Friday, May 17, and Monday, May 20, 2002.

Sincerely

s/James "Pate" Philip  
Senate President

cc: Senator Emil Jones  
Rep. Michael Madigan  
Rep. Lee Daniels

PRESENTATION OF RESOLUTION

Senator Weaver offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 80

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Wednesday, May 15, 2002, the Senate stands adjourned until Thursday, May 16, 2002, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, May 21, 2002, at 3:00 o'clock p.m.; and the House of Representatives stands adjourned until Tuesday, May 21, 2002, at 2:00 o'clock p.m.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 2 to Senate Bill 1622

At the hour of 1:10 o'clock p.m., on motion of Senator Geo-Karis, and pursuant to Senate Joint Resolution No. 80, the Senate stood adjourned until Thursday, May 16, 2002.

[May 15, 2002]